

R E M A R K S

A. INTRODUCTION

Claims 139-300 are pending and rejected.

Upon entry of this Amendment:

- Claims 291-299 and 301-337 will be pending (46 total claims)
- Claims 317-337 will be added
- Claims 291, 295, 300, 328, 329, 330, 331, 332, 335, 336, and 337 will be the only independent claims (11 independent claims)

B. REQUEST FOR CONTINUED EXAMINATION

This paper is being filed in response to an Office Action mailed October 19, 2006 and after the filing of a Notice of Appeal. A Request for Continued Examination (RCE), along with the appropriate fee, is being filed concurrently to ensure consideration of these remarks.

C. ELECTION/RESTRICTION

Applicants have previously elected Invention I (“drawn to providing unlock codes to reveal a locked outcome”). The Examiner has indicated that Claims 291-299 and 301-316 are directed to Invention I. Claim 300 has been cancelled.

D. SECTION 102(E) REJECTIONS & SECTION 103(A) REJECTIONS

All of Claims 291, 293-299, 301, 309, 310, and 314 stand rejected under 35 U.S.C. 102(e) as being unpatentable over Leason (U.S. Patent No. 6251017).

Claims 292, 302-308, 311-313, 315, and 316 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Leason in combination with subject matter the Examiner asserts was known and/or would be obvious.

We respectfully traverse the Examiner’s Section 103(a) rejections. In particular, it appears that at least with respect to some claims, the Examiner has interpreted the “validation codes” of Leason as disclosing both locked outcomes and unlock codes. Applicants do not agree with this interpretation. The pending claims require both *locked outcomes* and *unlock codes*—the “validation codes” of Leason clearly are not *locked outcomes*. Also, Applicants do not agree that Leason suggests transmitting any locked outcomes to a user or device of a user. Specifically, any information transmitted to a device of a user in Leason is either a “validation code” or an outcome that is unlocked (e.g., revealed to the user, such as the exemplary “yellow french fry”).

However, each of independent Claims 291 and 295 have been amended to provide for desirable embodiments. In particular, each of Claims 291 and 295 have been amended to provide specifically for performance of various steps by particular entities, in a manner that distinguishes each of Claims 291 and 295 from Leason. For example, Leason does not suggest locked outcomes being transmitted to a device of a user, in which the locked outcomes are hidden from the user (even though the user is in possession of the locked outcomes). Such embodiments allow advantageously for the user to, for example, have the locked outcomes with her when she goes shopping (on-line or in brick-and-mortar stores). As described in the disclosure, this flexibility and portability allows for users to bring locked outcomes to a retailer, and have the opportunity for the retailer to provide one or more unlock codes that may (or may not) correspond to any of the user's locked outcomes (e.g., stored on a PDA). In contrast, Leason simply requires a user to get a game card or receipt from a merchant, and input a corresponding code at a website—the user is never in possession of any outcomes that presently are locked.

None of the other cited references relied upon in the Office Action teach or suggest any of the combinations of features recited in any of independent Claims 291 and 295.

Accordingly, Applicants respectfully request the Examiner's reconsideration of the Section 102(e) and Section 103(a) rejections of Claims 291-299 and 301-316.

E. NEW CLAIMS 317-337

New Claims 317-327 all depend from one of the independent claims 291 or 295 discussed above, and are believed to contain allowable subject matter for at least the reasons stated above with respect to claims 291 and 295. Further, each of the dependent claims 317-327 recites additional subject matter that is not taught or suggested by any combination of Leason with the other cited references relied upon, and that is fully supported by the Specification. No new matter has been added.

New independent Claims 328 and 329 are directed to a computer readable medium and apparatus, respectively, operable to provide the functionality of Claim 291.

New independent Claims 330 and 331 are directed to a computer readable medium and apparatus, respectively, operable to provide the functionality of Claim 295.

New independent Claim 332 is directed to a portable computing device operable to provide similar functionality (e.g., from the perspective of a device of a

user) and is believed to provide allowable subject matter for at least the reasons stated above with respect to Claims 291 and 295. New Claims 333-334 depend from new Claim 332.

New independent Claims 335-337, are directed to a method, computer readable medium and apparatus, respectively, operable to provide for where two users receive the same locked outcome, both unlock the same outcome, and each receives a benefit that is different for the same outcome.

For at least these reasons, Applicants submit that all of new Claims 317-337 contain allowable subject matter.

F. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We do not believe that any extension of time is necessary to make this paper timely. Please grant a petition for any extension of time required to make this Response timely.

Deposit Account: 50-0271

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Please charge any appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to Deposit Account 50-0271. Please credit any overpayment to the same account.

G. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's reconsideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

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